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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.No.1424 of 2006

PETITIONER

Sidheshwar Upadhaya, s/o
Late Shri Shyama Upadhaya,
aged about 50 years, Senior
Mining Sirdhar Mahamaya
Colliery, Bhatgaon Area
S.E.C.L., District Sarguja(CG)

Versus

RESPONDENTS

- 1 The Chief Managing Director,
S.E.C.L., Seepat Road,
Bilaspur, District Bilaspur(CG)
- 2 The Chief General Manger,
S.E.C.L., Bhatgaon Area,
District Sarguja(CG)
- 3 The Sub Area Manager,
Mahamaya Colliery, Sub Area
Bhatgaon, District Sarguja(CG)

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri Prafull Bharat, counsel for the petitioner.
Shri P.S. Koshy, counsel for the respondents.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

Heard finally with the consent of both the parties.

Learned counsel for the petitioner argues that the petitioner is working on the post of Senior Mining Sirdhar in Mahamaya Colliery, Bhatgaon area, S.E.C.L., district Sarguja (CG). He submits that date of birth of the petitioner has wrongly been mentioned by the respondents in their official records and the petitioner is making continuous representations to the respondents, but the same has not been corrected so far. Therefore, the petitioner has filed this writ petition for correction of his date of birth as 8.6.1956, which has wrongly been mentioned as 6.4.1948. He refers to many service records of the petitioner as also the Implementation Instruction No.76, issued in this regard.



I have heard learned counsel for the parties and have also perused the record annexed with the petition.

Mr. Koshy does not dispute that in case there is some mistake in the entry of date of birth of the existing Employees, Implementation Instruction No.76, shall be made applicable, according to which, the matter has to be referred to the age determination committee. He submits that the norms have been fixed in this regard, which are contained in the said Implementation Instruction No.76, filed as Annexure P-4.

Admittedly, there is a dispute regarding date of birth of the existing employee (petitioner) and the provisions of Implementation Instruction No.76, contained in internal page 2 of the same, shall be applicable in this case and the matter can be referred to the age determination committee,

In view of the above, this petition is disposed of with a direction that the respondents shall refer the case of the petitioner to the age determination committee as per Implementation Instruction No.76(Annexure P-4) and shall get his age determined according to the said Implementation Instructions and shall communicate the same to the petitioner after its determination.

This Court hopes and observes that the entire exercise shall be completed within a period of 2 months from today and the matter shall be finalized prior to the date of retirement of the petitioner.

The petition stands finally disposed of.

No orders as to cost.

Sd/-
Sunil Kumar Sinha
Judge

Sunita